

**DECISION ON THE IMPLEMENTATION OF ARTICLE 6 OF THE
AGREEMENT ON THE APPLICATION OF SANITARY AND
PHYTOSANITARY MEASURES**

Proposal by Canada

The following communication, dated 16 March 2004, is being circulated at the request of the Delegation of Canada.

The Committee on Sanitary and Phytosanitary Measures,

Reaffirming the right and obligation of Members to establish sanitary and phytosanitary measures necessary to ensure the protection of human, animal and plant life or health and the protection of their territory from other damage caused by the entry, establishment or spread of pests, in accordance with the *Agreement on the Application of Sanitary and Phytosanitary Measures* (the SPS Agreement);

Recalling that Article 6 of the SPS Agreement (Adaptation to Regional Conditions) encourages Members to ensure that sanitary or phytosanitary measures are adapted to the sanitary or phytosanitary conditions of the area from which the product originated and to which it is destined;

Taking into account that sanitary and phytosanitary measures should only be applied to the extent necessary to protect human, animal, or plant life or health;

Recalling that harmonization with international standards is a key provision of the SPS Agreement;

Recalling that Article 12 of the SPS Agreement encourages the Committee to maintain close contact with the relevant international organizations in order to ensure that unnecessary duplication of effort is avoided;

Noting that the Codex Alimentarius Commission, the World Animal Health Organization (OIE), and the International Plant Protection Convention are recognized as the international standard-setting bodies for sanitary and phytosanitary measures in the SPS Agreement;

Recognizing that regionalization is an increasingly important issue to trade amongst all countries, regardless of size or level of development;

Recognizing that regionalization can be applied between all Members, irrespective of their size or level of development;

Reminds Members that:

1. Sanitary or phytosanitary measures must take into account regional differences in animal health status or pest prevalence.
2. Adaptation of measures to regional conditions can be applied to smaller ecosystems, part of a country, all of a country, or all or parts of several countries.
3. In the context of facilitating the implementation of Article 6, where the exporting Member claims that there are regional conditions within its territory, the importing Member shall consider applying the concept of regionalization.
4. To facilitate the importing Member's decision, an exporting Member claiming regional conditions within its territory shall provide the appropriate scientific and technical documentation to the importing Member.
5. Consistent with the recommendations, guidelines, and standards developed by the relevant international authorities, in particular the World Animal Health Organization (OIE) and the International Plant Protection Convention (IPPC), the importing Member shall take into consideration, *inter alia*, relevant risk analyses, risk management processes, systems in place to establish and maintain sanitary and phytosanitary measures, and surveillance and monitoring programmes.
6. A Member shall give full consideration to a request by another Member, especially a developing country Member, for appropriate technical assistance, in accordance with Article 9 of the SPS Agreement (Technical Assistance), to facilitate the implementation of Article 6.
7. Consistent with their general transparency obligations, Members should inform other Members about any new or changed measures related to regional conditions.

Decides as follows:

8. The Committee on Sanitary and Phytosanitary Measures (SPS Committee) recognizes the need for guidelines on the determination of pest- or disease-free areas and areas of low pest or disease prevalence, and shall urge the OIE and the Interim Commission on Phytosanitary Measures to continue, as appropriate, to draw up guidelines on animal and plant health respectively. These organizations and, as appropriate, the Codex Alimentarius Commission, shall be invited to keep the SPS Committee regularly informed regarding their activities relating to the concept of adaptation to regional conditions or zoning.
 9. Members shall periodically provide the SPS Committee with information on their experience regarding the implementation of Article 6 of the SPS Agreement, with a view to developing best practices. In particular, Members are encouraged to notify the SPS Committee of any measures that are applied on a regionalized basis, and should periodically provide the SPS Committee with information on their experience of developing, applying, and implementing measures that are adapted to regional conditions.
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